

SENATE RECORD VOTE ANALYSIS

105th Congress
2nd Session

Vote No. 104

April 27, 1998, 6:00 pm
Page S-3646 Temp. Record

FLEMING NOMINATION/Confirmation

SUBJECT: Nomination of Scott Fleming, of Virginia, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education. Confirmation.

ACTION: NOMINATION CONFIRMED, 92-0

SYNOPSIS: Scott Fleming was born November 16, 1950, in Kansas City, Missouri. He received a B.S.F.S. from Georgetown University School of Foreign Service in 1972 and an M.P.A. from the University of Texas in 1977. His employment history includes the following: 1977-1988, Legislative Assistant/Legislative Director/Administrative Assistant to United States Representative Dan Glickman (D-KS); 1988-1995, Chief of Staff, United States Representative Nita Lowey (D-NY); 1995-1996, Director, Congressional Affairs, United States Department of Education; 1996-1997, Deputy Assistant Secretary for Legislation and Congressional Affairs, United States Department of Education; and 1997-present, Acting Assistant Secretary for Legislation and Congressional Affairs, United States Department of Education.

No arguments were expressed in favor of confirmation.

While favoring confirmation, some Senators expressed the following reservations:

The General Accounting Office is currently conducting an investigation into meetings between Department of Education officials and education lobbyists that may well involve anti-lobbying violations and violations of the Federal Advisory Committee Act. Paul Steidler of the conservative Education Reform Project learned last year that weekly meetings were being held between top officials of the Department of Education and education lobbyists. He asked to attend, and, after being interrogated by the Department, was reluctantly given permission. Mr. Steidler regularly attended for the next 7 months, quietly taking notes. He found that those meetings, which had been ongoing for nearly 2 years before he started attending, were little more than strategy sessions between

(See other side)

YEAS (92)				NAYS (0)		NOT VOTING (8)	
Republican (51 or 100%)		Democrats (41 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (4)	Democrats (4)
Abraham	Hutchinson	Akaka	Johnson			Faircloth- ²	Durbin- ²
Allard	Hutchison	Baucus	Kerrey			Gregg- ²	Inouye- ²
Ashcroft	Jeffords	Biden	Kerry			Inhofe- ²	Kennedy- ²
Bennett	Kempthorne	Bingaman	Landrieu			Murkowski- ²	Kohl- ²
Bond	Kyl	Boxer	Lautenberg				
Brownback	Lott	Breaux	Leahy				
Burns	Lugar	Bryan	Levin				
Campbell	Mack	Bumpers	Lieberman				
Chafee	McCain	Byrd	Mikulski				
Coats	McConnell	Cleland	Moseley-Braun				
Cochran	Nickles	Conrad	Moynihan				
Collins	Roberts	Daschle	Murray				
Coverdell	Roth	Dodd	Reed				
Craig	Santorum	Dorgan	Reid				
D'Amato	Sessions	Feingold	Robb				
DeWine	Shelby	Feinstein	Rockefeller				
Domenici	Smith, Bob	Ford	Sarbanes				
Enzi	Smith, Gordon	Glenn	Torricelli				
Frist	Snowe	Graham	Wellstone				
Gorton	Specter	Harkin	Wyden				
Gramm	Stevens	Hollings					
Grams	Thomas						
Grassley	Thompson						
Hagel	Thurmond						
Hatch	Warner						
Helms							

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

the Clinton Administration and liberal education lobbying groups. Those sessions focused on creating combined Administration-lobbyist campaigns to defeat education reform legislation and to increase funding for the failing status quo programs. For instance, at the June 16, 1997 meeting the National Education Association's (NEA's) Adele Robinson alerted the Department to a House committee's approval of Democratic Representative Cardin's proposed \$150 tax credit for after-school private tutoring, and the Clinton Administration then brought pressure to defeat that proposal. Similarly, the NEA and other lobbyists joined in their opposition to the Coverdell amendment on education savings accounts to the Taxpayer Relief Act last year, and the Clinton Administration then demanded that the amendment be removed or it would veto the bill. The meetings, with the exception of Mr. Steidler, were comprised of a far-left cabal of educational activists and Clinton Administration officials. At the first meeting he attended, a Department official described Senator Coverdell's proposal for \$50 million in grants to fund school-choice pilot programs. One of the lobbyists exclaimed, "Yeah, the fear voucher." Another voice chimed in, "You get it if you're scared." There was then loud and sustained laughter. For the next 7 months, he heard constant such ridicule and opposition to school choice proposals and other reform measures, and he heard just as constant proposals to maximize Federal funding in favor of the status quo.

Do our colleagues believe such meetings are appropriate? Is the Administration's failure to list them in the Federal Register a violation of the Federal Advisory Committee Act? If the meetings took place as described by Mr. Steidler we think that all Members, Democrat and Republican, should find them completely unacceptable. Secret collusion between special interest lobbyists and the executive branch for the express purpose of defeating or passing specific legislation should not be tolerated. Both Republican and Democratic Members proposals have been undermined. At present, we have no reason to believe that Scott Fleming was a principle participant in the meetings that took place. Therefore, we will vote in favor of his confirmation.

No arguments were expressed in opposition to confirmation.